THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7467 of 2007

Dated:12.04.2007

Between:

Rayudu Lakshmi and others.

... Petitioners

AND

The District Collector and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7467 of 2007

ORDER:

The petitioners are aggrieved by the notices dated 06.04.2007 issued by the third respondent, whereunder treating them as encroachers, the petitioners were asked to vacate the land as mentioned thereunder situated at Narasingapuram Village of Pithapuram Mandal in East Godavari District. The petitioners allege that they received the impugned notices on 08.04.2007, and they further allege that the impugned notices do not indicate as to within how many days they have to submit their explanations. The petitioners then, immediately approached this Court. They claim that they are the absolute owners of the property bearing Door Nos.1-107, 2-37, 1-113, 2-38 and 1-43 situated at Narasingapuram Village. Therefore, they contend that the impugned notices issued to them treating the subject land as a Government land is illegal and arbitrary.

Though the learned Assistant Government Pleader for Revenue (General-A) opposed the Writ Petition contending that the impugned communications are notices under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act'). After perusing Appendix-XXXII and paragraph 3 of Board Standing Order 26 of the Andhra Pradesh Board of Revenue Standing Orders, this Court is not able to accept the submission. If the petitioners are to be treated as encroachers and are to be evicted, the only recourse to the Mandal Revenue Officer is to take necessary action in accordance with the Act. The learned Assistant Government Pleader does not dispute the legal position. The impugned notices cannot be said to be notices under Section 7 of the Act. Unless and until, the petitioners are evicted by due process of law, they cannot be

deprived of their right to enjoy the property.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

12.04.2007

Note: Issue C.C by one week.

B/o.

vs